

The Honorable Judge Robert S. Lasnik

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LUCIA LUCERO,

Plaintiff,

v.

CENLAR FSB and BAYVIEW LOAN  
SERVICING, LLC,

Defendants.

No. 2:13-cv-00602 RSL

**DECLARATION OF CHARLES E.  
KATZ IN RESONSE TO COURT'S  
ORDER TO SHOW CAUSE**

CHARLES E. KATZ declares as follows:

1. I am the attorney for Cenlar FSB ("Cenlar") and Bayview Loan Servicing, LLC ("Bayview"), defendants in this matter, and am competent to testify in the above-entitled action. I have personal knowledge of the matters referenced herein.
2. On May 1, 2013, one week prior to the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement filed on May 8, 2013, Plaintiff propounded discovery requests to both Cenlar and Bayview.
3. Concurrent with the Court's Order filed on May 8, 2013, I sent a letter via certified mail, return receipt requested, to John R. Laris, Esq., counsel for Plaintiff advising that the discovery requests failed to comply with Federal Rules of Civil Procedure which prevent a party from seeking discovery from any source before the parties have completed the

1 FRCP 26(f) conference (FRCP 26(d)(1)). In that letter, I specifically requested that Mr.  
2 Laris contact me to arrange a date and time, prior to June 5, 2013, for the FRCP 26(f)  
3 conference (copy of letter attached as Exhibit 1). Neither Mr. Laris nor any other  
4 attorney at Barraza Law, PLLC contacted me regarding my request to schedule the FRCP  
5 26(f) conference.  
6

7 4. Pursuant to the May 8, 2013 Court Order, Cenlar and Bayview both filed their Initial  
8 Disclosures pursuant to FRCP 26(a)(1) on June 12, 2013 and served Plaintiff's counsel  
9 with the disclosures.

10 5. Shortly after the Court filed its Order to Show Cause on June 27, 2013, Mr. Vicente  
11 Omar Barraza, Esq. contacted me directly to schedule the FRCP 26(f) conference.

12 6. The FRCP 26(f) conference was conducted with Mr. Barraza, and on June 2, 2013, the  
13 Joint Status Report was filed with the Court  
14

15  
16 I declare under the penalty of perjury that the foregoing is true and correct.  
17

18  
19 DATED this 11<sup>th</sup> day of July, 2013.

20 **RCO LEGAL, P.S.**

21  
22 By: /s/ Charles E. Katz  
23 Charles E. Katz, WSBA No. 40610  
24 Attorneys for Defendant Cenlar FSB and  
25 Bayview Loan Servicing, LLC  
26

**DECLARATION OF SERVICE**

The undersigned makes the following declaration:

1. I am now, and at all times herein mentioned was a resident of the State of Washington, over the age of eighteen years and not a party to this action, and I am competent to be a witness herein.

2. That on this 11th day of July, 2013, I caused a copy of the Declaration of Charles E. Katz in Response to Court's Order to Show Cause to be served to the following in the manner noted below:

Vicente Omar Barraza John R. Laris Barraza Law, PLLC 1818 Westlake Ave. North, Suite 308 Seattle, WA 98109 Attorneys for Plaintiff	<input type="checkbox"/> US Mail, Postage Prepaid <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Overnight Mail <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> CM/ECF
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3. I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 11th day of July, 2013.

**RCO LEGAL, P.S.**

By: /s/ Ashely Orr  
Ashely Orr, Paralegal



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Charles E. Katz  
Attorney at Law

direct - 425.586.1940  
fax - 425.440.6032  
ckatz@rcolegal.com

May 8, 2013

**COPY**

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

John R. Laris  
Barraza Law, PLLC  
1818 Westlake Ave. N., Suite 308  
Seattle, WA 98109

**Re:    *Lucero v. Bayview, et al.***  
***US District Court Western District of Washington Case No. 2:13-cv-00602-RSL***  
***RCO File No. 7367.50052***

Dear Mr. Laris:

Our firm is in receipt of Interrogatories and Requests for Production propounded to our clients Cenlar FSB and Bayview Loan Servicing. This letter is to advise you that the discovery requests fail to comply with the Federal Rules of Civil Procedure ("FRCP") which prevent a party from seeking discovery from any source before the parties have completed the FRCP 26(f) Conference (see FRCP 26(d)(1)). As such, any discovery requests should be propounded to our clients after completion of the FRCP 26(f) conference.

Today, the Court filed an Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement setting the deadline for the FRCP 26(f) Conference on June 5, 2013. Please contact me at your earliest convenience to arrange a date and time for the FRCP 26(f) conference.

Yours very truly,

**RCO LEGAL, P.S.**

A handwritten signature in black ink, appearing to read "Charles E. Katz", written over a horizontal line.

Charles E. Katz, Esq.

**EXHIBIT**                      1